

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

SUSAN S. RODWAY,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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CASE NO. 1:18-cv-169

OPINION & ORDER
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On January 23, 2018, Plaintiff Susan Rodway filed a complaint seeking judicial review of Defendant Social Security Commissioner’s decision to deny her period of disability and disability insurance benefits applications.¹ On January 24, 2019, Magistrate Judge David A. Ruiz recommended that the Court vacate the Commissioner’s final decision and remand the case for further proceedings.²

Any objections to Magistrate Judge Ruiz’s Report and Recommendation (“R&R”) were due by February 7, 2019. Defendant Commissioner stated she will not file objections.³

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of an R&R to which the parties have objected.⁴ Absent objection, a

¹ Doc. [1](#). Plaintiff and Defendant file merits briefs. Docs. [13](#), [15](#). Plaintiff replies to Defendant’s brief. Doc. [16](#).

² Doc. [17](#).

³ Doc. [18](#).

⁴ [28 U.S.C. § 636\(b\)\(1\)](#).

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district court may adopt the R&R without review.⁵ Because no party has objected to the R&R, this Court may adopt the R&R without further review. Moreover, having conducted its own review of the record, the Court agrees with the conclusions in the R&R.

Accordingly, the Court **ADOPTS** Magistrate Judge Ruiz's R&R, incorporating it fully herein by reference, **VACATES** the Commissioner's final decision, and **REMANDS** the case for proceedings consistent with the opinion.

IT IS SO ORDERED.

Dated: February 11, 2019

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁵ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).